

AMENDED IN SENATE MAY 4, 2011
AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 547

Introduced by Senator Steinberg

February 17, 2011

An act to amend Section 52052 of, and to add Section 52052.8 to, the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 547, as amended, Steinberg. Public school performance accountability: Academic Performance Index.

(1) Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and pupils. Existing law requires that the API consist of a variety of indicators, and that the results of specified academic tests comprise at least 60% of the value of the API.

This bill would instead require that for schools serving pupils in kindergarten and any of grades 1 to 8, inclusive, results of these tests comprise a minimum of 40% of the value of the API, and for schools serving pupils in any of grades 9 to 12, inclusive, the results of the tests comprise a maximum of 40% of the value of the API. The bill would require that in addition to the indicators that are currently included in the API, that college and career preparedness be included as an indicator.

(2) Existing law requires the Superintendent of ~~Public Instruction~~ to establish an advisory committee to advise on all appropriate matters relative to the creation of the API and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program.

This bill, by January 1, 2014, would require the state board, in consultation with the Superintendent and the advisory committee, to incorporate ~~specified into the API a measure or measures relating to college and career preparedness into the API of the degree to which pupils graduate from high school with the skills and knowledge necessary to succeed in college and career.~~ The bill, by March 15, 2012, would require the Superintendent and the state board, in consultation with specified entities, to report to the Governor and the Legislature information relating to the collection and evaluation of this data.

(3) To the extent that school districts would be required to formulate and report additional data for purposes of inclusion in the API, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) Too many pupils in California face educational challenges
4 that could impede their ability to be productive participants in the
5 state and national economies.
6 (2) Nearly 100,000 California pupils are dropping out of middle
7 and high school annually, a number equivalent in size to the
8 population of the City of San Mateo or the City of Compton.
9 Gainful employment prospects for dropouts are shrinking given
10 the changing nature of the California economy.
11 (3) Many of those who do graduate from high school find
12 themselves underprepared for the demands of college and the
13 workplace. Nearly half of all freshmen in the California
14 Community Colleges and the California State University system
15 require remediation in either reading or mathematics.

(4) A stronger and more integrated approach to learning that combines rigorous academics with career education can engage and motivate pupils who are at risk of dropping out and can create more options for them after high school, whether they choose postsecondary education or a career. Such an approach can better prepare pupils for entry directly into the workforce after high school, without compromising academic goals and preparation for postsecondary education.

(5) A large majority of California high school pupils surveyed say they would be more motivated to work hard and do well if they attended schools where they could take courses needed for college and at the same time have the chance to acquire skills and knowledge relevant to future careers.

(6) The Public Policy Institute of California projects that by 2025, two of every five jobs (41 percent) will require a college degree. Without an increased commitment to college readiness and access, Californians with college degrees will amount to just 35 percent of the 2025 workforce, well short of the need. Absent improvements to college and career pathways for pupils, the growth of our emerging economy will be hindered by a lack of highly educated and skilled workers.

(b) The Legislature further finds and declares all of the following:

(1) The state's primary accountability measure for public schools, the Academic Performance Index, has performed an important function and has served as a compass by which schools have directed their school improvement efforts.

(2) The Academic Performance Index has been limited, however, by an overreliance on the Standardized Testing and Reporting Program as the chief indicator of school performance. Statute requires dropout and graduation rates to be included, but those rates are not yet incorporated.

(3) California's ongoing transition to new common core academic content standards presents an opportunity for the state to reexamine its system of public school accountability, the goals the state sets for its public schools, and the most appropriate methods for measuring progress toward those goals. The new generation of pupil assessments that will accompany the common core *academic content* standards may provide better information about pupils' ability to analyze and solve complex problems,

1 communicate clearly, synthesize information, and apply
2 knowledge. These skills and capacities are vital to their success
3 in the global economy of the 21st century.

4 (c) It is the intent of the Legislature that the Academic
5 Performance Index evolve to encompass other valuable metrics in
6 addition to pupil test scores, graduation rates, and dropout rates.
7 It is further the intent of the Legislature that a more comprehensive
8 set of expectations and aspirations for California's public schools
9 be reflected in the state's school accountability system, including
10 measures of pupil preparedness for college and career, and pupil
11 engagement in school.

12 SEC. 2. Section 52052 of the Education Code is amended to
13 read:

14 52052. (a) (1) The Superintendent, with approval of the state
15 board, shall develop an Academic Performance Index (API), to
16 measure the performance of schools, especially the academic
17 performance of pupils.

18 (2) A school shall demonstrate comparable improvement in
19 academic achievement and the preparedness of its pupils for
20 success in postsecondary education and career as measured by the
21 API by all numerically significant pupil subgroups at the school,
22 including:

23 (A) Ethnic subgroups.

24 (B) Socioeconomically disadvantaged pupils.

25 (C) English language learners.

26 (D) Pupils with disabilities.

27 (3) (A) For purposes of this section, a numerically significant
28 pupil subgroup is one that meets both of the following criteria:

29 (i) The subgroup consists of at least 50 pupils each of whom
30 has a valid test score.

31 (ii) The subgroup constitutes at least 15 percent of the total
32 population of pupils at a school who have valid test scores.

33 (B) If a subgroup does not constitute 15 percent of the total
34 population of pupils at a school who have valid test scores, the
35 subgroup may constitute a numerically significant pupil subgroup
36 if it has at least 100 valid test scores.

37 (C) For a school with an API score that is based on no fewer
38 than 11 and no more than 99 pupils with valid test scores,
39 numerically significant subgroups shall be defined by the
40 Superintendent, with approval by the state board.

(4) The API shall consist of a variety of indicators currently reported to the department, including, but not limited to, the results of the achievement test administered pursuant to Section 60640, attendance rates for pupils in elementary schools, middle schools, and secondary schools, and the graduation rates and postsecondary education and career preparedness of pupils in secondary schools.

(A) Graduation rates for pupils in secondary schools shall be calculated for the API as follows:

(i) Four-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be three school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (ii).

(ii) The number of pupils entering grade 9 for the first time in the school year three school years prior to the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years prior to the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three school years prior to the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(iii) Five-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be four school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (iv).

(iv) The number of pupils entering grade 9 for the first time in the school year four years prior to the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was four school years prior to the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was four years prior to the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(v) Six-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be five school years after the pupils

1 entered grade 9 for the first time, and dividing that number by the
2 total calculated in clause (vi).

3 (vi) The number of pupils entering grade 9 for the first time in
4 the school year five years prior to the current school year, plus the
5 number of pupils who transferred into the class graduating at the
6 end of the current school year between the school year that was
7 five school years prior to the current school year and the date of
8 graduation, less the number of pupils who transferred out of the
9 school between the school year that was five years prior to the
10 current school year and the date of graduation who were members
11 of the class that is graduating at the end of the current school year.

12 (B) The inclusion of five- and six-year graduation rates for
13 pupils in secondary schools shall meet the following requirements:

14 (i) Schools shall be granted one-half the credit in their API
15 scores for graduating pupils in five years that they are granted for
16 graduating pupils in four years.

17 (ii) Schools shall be granted one-quarter the credit in their API
18 scores for graduating pupils in six years that they are granted for
19 graduating pupils in four years.

20 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
21 full credit in their API scores for graduating in five or six years a
22 pupil with disabilities who graduates in accordance with his or her
23 individualized education program (IEP).

24 (C) The pupil data collected for the API that comes from the
25 achievement test administered pursuant to Section 60640 and the
26 high school exit examination administered pursuant to Section
27 60851, when fully implemented, shall be disaggregated by special
28 education status, English language learners, socioeconomic status,
29 gender, and ethnic group. Only the test scores of pupils who were
30 counted as part of the enrollment in the annual data collection of
31 the California Basic Educational Data System for the current fiscal
32 year and who were continuously enrolled during that year may be
33 included in the test result reports in the API score of the school.
34 For schools serving pupils in kindergarten and any of grades 1 to
35 8, inclusive, results of the tests specified in subdivision (b) shall
36 constitute a minimum of 40 percent of the value of the index. For
37 schools serving pupils in any of grades 9 to 12, inclusive, results
38 of the tests specified in subdivision (b) shall constitute a maximum
39 of 40 percent of the value of the API.

1 (D) Before including high school graduation rates and attendance
2 rates in the API, the Superintendent shall determine the extent to
3 which the data currently are reported to the state and the accuracy
4 of the data. Notwithstanding any other law, graduation rates for
5 pupils in dropout recovery high schools shall not be included in
6 the API. For purposes of this subparagraph, “dropout recovery
7 high school” means a high school in which 50 percent or more of
8 its pupils have been designated as dropouts pursuant to the
9 exit/withdrawal codes developed by the department.

10 (E) The Superintendent shall provide an annual report to the
11 Legislature on the graduation and dropout rates in California and
12 shall make the same report available to the public. The report shall
13 be accompanied by the release of publicly accessible data for each
14 school district and school in a manner that provides for
15 disaggregation based upon socioeconomically disadvantaged pupils
16 and numerically significant subgroups scoring below average on
17 statewide standards-aligned assessments. In addition, the data shall
18 be made available in a manner that provides for comparisons of a
19 minimum of three years of data.

20 (b) Pupil scores from the following tests, when available and
21 when found to be valid and reliable for this purpose, shall be
22 incorporated into the API:

23 (1) The standards-based achievement tests provided for in
24 Section 60642.5.

25 (2) The high school exit examination.

26 (c) Based on the API, the Superintendent shall develop, and the
27 state board shall adopt, expected annual percentage growth targets
28 for all schools based on their API baseline score from the previous
29 year. Schools are expected to meet these growth targets through
30 effective allocation of available resources. For schools below the
31 statewide API performance target adopted by the state board
32 pursuant to subdivision (d), the minimum annual percentage growth
33 target shall be 5 percent of the difference between the actual API
34 score of a school and the statewide API performance target, or one
35 API point, whichever is greater. Schools at or above the statewide
36 API performance target shall have, as their growth target,
37 maintenance of their API score above the statewide API
38 performance target. However, the state board may set differential
39 growth targets based on grade level of instruction and may set
40 higher growth targets for the lowest performing schools because

1 they have the greatest room for improvement. To meet its growth
2 target, a school shall demonstrate that the annual growth in its API
3 is equal to or more than its schoolwide annual percentage growth
4 target and that all numerically significant pupil subgroups, as
5 defined in subdivision (a), are making comparable improvement.

6 (d) Upon adoption of state performance standards by the state
7 board, the Superintendent shall recommend, and the state board
8 shall adopt, a statewide API performance target that includes
9 consideration of performance standards and represents the
10 proficiency level required to meet the state performance target.
11 When the API is fully developed, schools, at a minimum, shall
12 meet their annual API growth targets to be eligible for the
13 Governor's Performance Award Program as set forth in Section
14 52057. The state board may establish additional criteria that schools
15 must meet to be eligible for the Governor's Performance Award
16 Program.

17 (e) The API shall be used for both of the following:

18 (1) Measuring the progress of schools selected for participation
19 in the Immediate Intervention/Underperforming Schools Program
20 pursuant to Section 52053.

21 (2) Ranking all public schools in the state for the purpose of the
22 High Achieving/Improving Schools Program pursuant to Section
23 52056.

24 (f) (1) A school with 11 to 99 pupils with valid test scores shall
25 receive an API score with an asterisk that indicates less statistical
26 certainty than API scores based on 100 or more test scores.

27 (2) A school annually shall receive an API score, unless the
28 Superintendent determines that an API score would be an invalid
29 measure of the performance of the school for one or more of the
30 following reasons:

31 (A) Irregularities in testing procedures occurred.

32 (B) The data used to calculate the API score of the school are
33 not representative of the pupil population at the school.

34 (C) Significant demographic changes in the pupil population
35 render year-to-year comparisons of pupil performance invalid.

36 (D) The department discovers or receives information indicating
37 that the integrity of the API score has been compromised.

38 (E) Insufficient pupil participation in the assessments included
39 in the API.

(3) If a school has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

(g) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(h) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

SEC. 3. Section 52052.8 is added to the Education Code, to read:

52052.8. (a) No later than January 1, 2014, the state board, in consultation with the Superintendent and the advisory committee established pursuant to Section 52052.5, shall incorporate into the Academic Performance Index (API), and other aspects of the state's accountability system, as appropriate, a measure or measures of the degree to which pupils graduate from high school with the skills and knowledge necessary to succeed in college and career.

(b) Measures considered for incorporation into the API shall be valid, reliable, and stable, and ~~shall include, but not be limited to~~ *may include, but are not necessarily limited to*, the following:

(1) Rates at which pupils complete a course of study at an achievement level that fulfills the requirements and prerequisites for admission to California four-year public institutions of postsecondary education, pursuant to subdivision (a) of Section 51228.

(2) Rates at which college preparedness assessments, such as the Early Assessment Program established pursuant to Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, are administered to high school pupils, and rates at which

1 pupils who complete such assessments can demonstrate they do
2 not need remedial coursework in order to perform college-level
3 work.

4 (3) Rates at which high school pupils are enrolled in and perform
5 satisfactorily in accelerated learning opportunities, such as
6 advanced placement, International Baccalaureate, or postsecondary
7 concurrent enrollment programs.

8 (4) Pupil grade point averages in the first year of full-time
9 postsecondary enrollment.

10 (5) Rates at which graduates enroll in a community college
11 program that enables them to transfer to a four-year university.

12 (6) Rates at which graduates enroll in a community college
13 course of technical study leading to a professional certificate.

14 (7) Rates at which pupils satisfactorily complete a designated
15 career pathway or series of courses that meets the career technical
16 education content standards adopted by the state board.

17 (8) Rates at which pupils earn a certificate, license, or the
18 equivalent in the designated occupation for which it is issued,
19 while enrolled in high school.

20 (9) The performance of pupils on valid and reliable assessments,
21 including portfolio assessments, that are designed to assess the
22 degree to which pupils have acquired the skills and knowledge
23 necessary to be successful in a specified occupation or in the
24 general workforce.

25 (10) Rates at which graduates are employed full time in an
26 occupation with a career ladder. For purposes of this paragraph,
27 “career ladder” means an opportunity for an entry level employee
28 to attain higher levels of pay, skill, and responsibility.

29 (11) Rates at which graduates are enrolled in an apprenticeship
30 program leading to full-time employment.

31 (12) Earnings of graduates.

32 (13) Rates at which graduates have secured employment that
33 offers paid sick leave, paid vacation leave, and employer-provided
34 health benefits.

35 (14) Other measures of postsecondary accomplishment, such
36 as enlistment in the Armed Forces, California Conservation Corps,
37 or other volunteer service organizations.

38 (c) In revising the API to include measures of college and career
39 preparedness, the state board shall devise a method for significantly
40 rewarding schools and school districts that can demonstrate that

1 pupil subgroups, including economically disadvantaged pupils,
2 are proportionately represented among pupils who are prepared
3 and eligible to attend four-year colleges and universities.

4 (d) The state board shall also consider the appropriateness of
5 including in the API, or other aspects of the state's accountability
6 system, as appropriate, a measure or measures of the degree to
7 which pupils are satisfied with their secondary school experience
8 and are engaged in their education. Methods considered shall
9 include, but not be limited to, the following:

10 (1) Pupil attendance rates.

11 (2) Surveys of pupil, staff, and parent attitudes toward school,
12 including, but not limited to, the California Healthy Kids Survey,
13 California School Climate Survey, and the California School Parent
14 Survey.

15 (e) Any changes made to the API shall allow for disaggregation
16 of component parts of the API so that measures included in the
17 index, and the relative weights of those measures, are
18 distinguishable to parents, the public, and policymakers.

19 (f) The state board shall not be limited in its redesign of the API
20 by the scope, at the time of enactment of this section, of the
21 California Longitudinal Pupil Achievement Data System or other
22 relevant data systems.

23 (g) By March 15, 2012, the Superintendent and state board shall
24 consult with the University of California, the California State
25 University, the California Community Colleges, the Employment
26 Development Department, and other appropriate entities, and shall
27 report to the Governor and the Legislature both of the following:

28 (1) Any additional data elements necessary to optimize the
29 state's capacity to evaluate the effectiveness of pupil preparedness
30 for college and career and pupils' engagement in school.

31 (2) Any connections between data systems that would enable
32 better evaluation of the effectiveness of pupils' preparation for
33 college and career and of pupils' engagement in school.

34 (h) (1) The requirement for submitting a report imposed under
35 subdivision (g) is inoperative on January 1, 2016, pursuant to
36 Section 10231.5 of the Government Code.

37 (2) A report to be submitted pursuant to subdivision (g) shall
38 be submitted in compliance with Section 9795 of the Government
39 Code.

1 SEC. 4. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O